

## **REMARKS**

### **Status of the Claims**

Claims 1-9 and 11-35 are now present in this application. Claims 1, 11, 12-17 and 21 are independent.

Claim 10 has been canceled, claims 35 has been added, and claims 1-9, 11-25, 28-34 have been amended.

Claim 1 has been amended to limit the radicals for X<sup>1</sup> and R<sup>5</sup>.

Claims 11-14, 21 have been amended to be in independent form.

The definition of A2 in claim 14 has been amended. "CN" is mistranslation of "C" from the priority document.

The dependency of claims 28-34 have been amended.

New claim 35 recites the polymer obtained by polymerizing the monomer of claim 14.

No new matter has been added by way of the above-amendment.

Reconsideration of this application, as amended, is respectfully requested.

### **Information Disclosure Citation**

The Examiner has not provided Applicant with an initialed copy of the PTO-SB08 form filed with the Information Disclosure Statement filed November 20, 2009. An initialed copy thereof is respectfully requested from the Examiner in the next Office Action.

### **Provisional Obviousness-Type Double Patenting Rejection**

Claims 21-24 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 15-17 of copending Application No. 10/588,232. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicants respectfully submit that the Examiner should allow the present application to proceed to allowance and then deal with any double patenting issues in the copending

Application No. 10/588,232, since the present application has an earlier filing date than Application No. 10/588,232. Accordingly, reconsideration and withdrawal of this provisional rejection are respectfully requested.

**Rejection Under 35 U.S.C. § 112, 2nd Paragraph**

Claims 25-34 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This rejection is respectfully traversed.

The Examiner states that the claim language “polyaminoquinoxaline compound” lacks antecedent basis in claim 1. In response, claims 25, 28-29 and 30-34 have been amended to depend from claim 21.

Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejection Under 35 U.S.C. § 102**

The following rejections have been made:

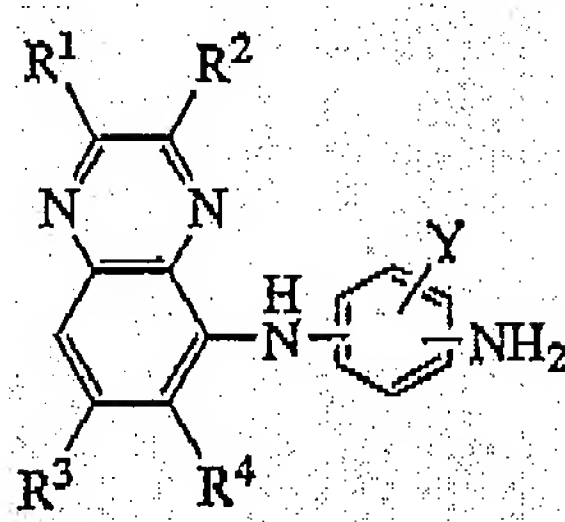
- a) Claim 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Sergeev (SU 592823);
- b) Claim 1, 4, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Volf et al. (Solid State Ionics ,154-155, 2005, Pg. 57-63);
- c) Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Furusho et al. (Journal of Photopolymer Science and Technology Volume 15, 2002, Pg. 133-138);
- d) Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pfeiffer et al. (JACS, vol. 31, no. 10, 1966, 3384-3390);
- e) Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Platt et al. (JACS, vol. 429, 1948, Pg. 2129-2134);

f) Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nowak et al. (Database CAPLUS on STN, AN 1997:615604, DN 127: 293190, Vol. 93, No. 6, 22-28, 1996); and

g) Claim 1-5 and 25-34 rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaki et al. (US 20030215701).

Applicants respectfully traverse the rejections.

The aminoquinoxaline compound of claim 1 is represented by the following formula.



The cited documents fail to teach an aminoquinoxaline compound having the above formula, especially having -NH-phenyl-NH<sub>2</sub>- substitution.

According to MPEP 2131, all limitations must be present for a *prima facie* case of anticipation. In view of the fact that the cited references fail to teach or suggest the inventive aminoquinoxaline compound a -NH-phenyl-NH<sub>2</sub>- substitution, a *prima facie* case of anticipation cannot be said to exist. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 6-9 and 11-24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and

complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, PhD, Registration No. 43575 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: December 28, 2009

Respectfully submitted,

**GARTH M. DAHLEN**  
**USPTO #43,575**

By  #43575

Gerald M. Murphy, Jr. *for*

Registration No.: 28977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000